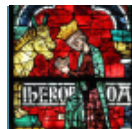


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Analysis // Understanding the UN Resolution on Israeli Settlements: What Are the Immediate Ramifications?

Can Trump's administration overturn the Security Council resolution on Israeli settlements? Why didn't Putin veto it? What are the short- and long-term implications? A guide to make sense of the mess.

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Dec 24, 2016 8:41 PM

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Palestinian UN envoy Riyadh H. Mansour greets Spanish envoy Roman Oyarzun Marchesi, president of the Security Council for December, ahead of the December 23, 2016, vote on Israeli settlements. Credit: Manuel Elias, AFP / UN

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The resolution against Israeli settlements adopted by the United Nations Security Council Friday sent out diplomatic, political and media shockwaves. After thousands of reports, analyses and spins, here is a guide to make sense of the mess.

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Is this the first UNSC resolution concerning Israeli settlements?

No. But it is the first to deal so specifically with the settlements in over 35 years. The previous such resolution, Resolution 465, was adopted by the Security Council in March 1980 (you can read it in full [here](#)). That being said, since 1980, the Israeli-Palestinian conflict has undergone dramatic changes, the extent of the Israeli

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community's focus on the settlements as a threat to the viability of the two-state solution has also increased markedly.

Is this the first time an American president declines to veto a UNSC resolution on Israel-Palestine?

No. Since 1967, all U.S. presidents have allowed the adoption of Security Council resolutions. To this day, 47 resolutions concerning the Israeli-Palestinian conflict have been adopted by the UNSC, all during the presidencies of presidents other than Obama. President George H. W. Bush allowed nine resolutions to pass during his presidency. During President Bill Clinton's presidency three resolutions were adopted by the UNSC. In fact, this is the first time Obama refrained from using the U.S. veto in the Security Council when it came to Israel since he entered the White House eight years ago. Last time a resolution on Israel was brought to a vote at the Security Council in February 2011, a resolution also concerning the Israeli settlements, Obama vetoed it.

Did Obama break a decades-long tradition according to which presidents don't make policy changes in the interim between administrations?

No. Quite a few presidents have used the interim period between the election of a new president and his inauguration in which they are freed from political constraints to carry out far reaching foreign policy changes, including with regard to the Israeli-Palestinian issue. For example, President Ronald Reagan used this interim period in 1988 to begin a dialog with the PLO. President Clinton used this period to present the "Clinton Parameters" in which he guidelines for the solving of key issues in the Israeli-Palestinian conflict.

Does the resolution change the legal status of the settlements, which are already illegal under international law?

No. The Fourth Geneva Convention bans nations from the moving of populations into and the establishing of settlements in the territory of another nation won in war. An overwhelming number of countries have sided for years with the position that the Israeli settlements in the West Bank and East Jerusalem are illegal and

What are the immediate ramifications of the UNSC resolution?

The resolution adopted by the Security Council will have no practical ramifications for Israel. The resolution doesn't include any coercive measures or define sanctions for those who violate it, except for a mechanism by which the United Nations' secretary general will submit a report on the state of settlement construction to the Security Council every three months. The reason for this is that the resolution was adopted under the United Nations Charter's Chapter 6, and thus is non-binding and only constitutes a show of intent and a recommendation. The resolution is a form of diplomatic message to Israel and sets the international consensus on the settlements and further isolates Israel with regard to this issue. In order for this resolution to become binding and to allow for coercion or the imposition of sanctions by the international community it would have to be adopted under Chapter 7 of the United Nations Charter.

In the long-term, what are the possible ramifications?

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In the medium-to-long-term the resolution may have serious ramifications for Israel in general and specifically for the settlement enterprise. The reason for this stems from the two main clauses of the resolution. The first clause states that the settlements have "no legal validity and constitutes a flagrant violation under international law." The International Criminal Court in The Hague is currently conducting a preliminary investigation concerning a suit filed against Israel by the Palestinians. One of the issues raised in the suit is the construction of settlements. International law takes form through different measures including Security Council resolutions. Thus, this decision, at this time, could influence the preliminary investigation and could provide cause for the ICC prosecutor to order a full investigation of Israel settlement construction.

Another clause in the resolution calls on the nations of the world "to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967." This is a

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conflict, and actually calls on countries to cut ties direct and indirect with the settlements. This clause may create a path for countries, international organizations such as the EU, and corporations to impose sanctions on the settlements. The Foreign Ministry's assessment is that the EU would have to pass a similar resolution in its institutions and base practical steps and legislation from it.

Will President-elect Donald Trump's administration be able to overturn the resolution or pass an opposite resolution?

Theoretically yes, though in practice not really. In order to overturn the resolution Trump would have to pass an opposite resolution, which will in fact state that the settlements are legal and are not an obstacle to peace, get the support of at least eight members of the Security Council not including the U.S. and ensure that Russia, China, France, and the U.K. don't veto it. This is unlikely to say the least. Minutes after the resolution was adopted Trump tweeted that after January 20th, things in the UN will look differently. Trump will be able to influence the work of the UNSC from here on out, but history proves that there is a not insignificant chance that he too will find himself avoiding the use of a veto on the Israel-Palestinian issue.

Will the Trump administration or Republican lawmakers stop the U.S. funding for the UN?

Some senior Republicans, including Lindsey Graham, who is chairman of the Subcommittee on State, Foreign Operations, and Related Programs, have already announced that they will take action to cut and even stop completely the U.S. funding of UN institutions in response to the adoption of the resolution. The U.S. has taken similar action with respect to the UN's cultural arm UNESCO, when it accepted Palestine as a full-pledged member. The result has been that the U.S. has lost its vote in UNESCO and its influence on the organization has dramatically ebbed. This adversely affected Israel, which could no longer count on the U.S. to stop anti-Israeli measures taken by UNESCO.

If the relationship between Netanyahu and Russian President Vladimir Putin is so good, why didn't Russia veto the resolution?

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short when it comes to Russian interests and UN votes. Russia is one of the main supporters of the Palestinians over the last 50 years. During those years and today as well Russia has been voting against Israel in every possible international forum. It is possible that things will change in the future, but at least at this stage a Russian veto on a UNSC resolution concerning the Israeli-Palestinian conflict belongs to the realm of science fiction and not diplomacy.

**Barak Ravid**

Haaretz Correspondent

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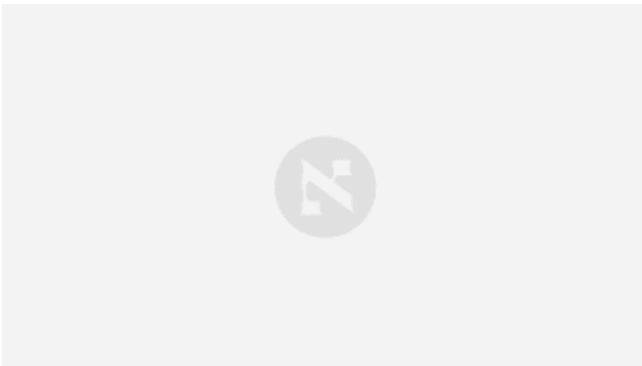
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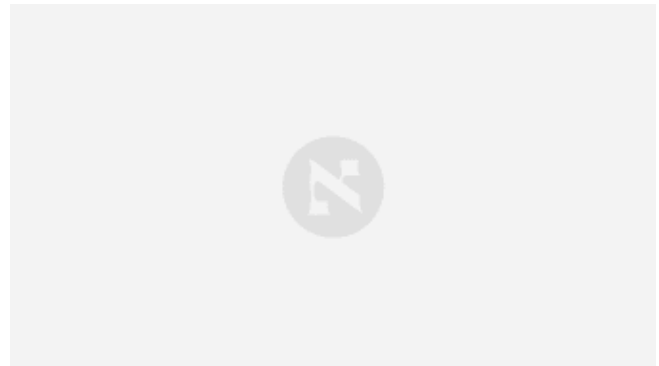
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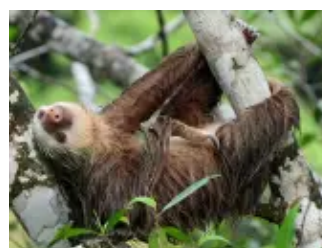
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